

AMENDED IN ASSEMBLY JUNE 28, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1140

Introduced by Senator Yee
(Principal coauthor: Senator Oropeza)
(Coauthor: Senator Wiggins)
~~(Coauthor: Assembly Member Jones)~~
(Coauthors: Assembly Members Jones and Portantino)

February 18, 2010

An act to amend Section 2107 of, and to add Article 4.5 (commencing with Section 2170) to Chapter 2 of Division 2 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, as amended, Yee. Voter registration: one-stop voting.

Existing law establishes procedures regarding the registration of voters. Under existing law, a person may not be registered to vote except by affidavit of registration, and a voter may not vote in an election unless his or her affidavit of registration is executed and received by the county elections official on or before the 15th day prior to the election. Existing law permits any registered voter to vote by a vote by mail ballot, and further permits any voter using a vote by mail ballot to vote the ballot at the office of the elections official beginning 29 days before the election.

This bill would establish one-stop voting whereby a person would be permitted to register to vote and immediately vote on election day or

at any time prior to election day when ballots may be cast. The bill would require a voter, in order to register and vote by means of one-stop voting, to visit a location at which one-stop voting is available, to present proof of identity and current residence, as specified, and to complete an affidavit of registration. Upon completing that registration, the voter would be immediately eligible to vote by regular ballot. If the voter is unable to complete that registration because the voter is unable to present proof of identity or proof of current residence, the voter would be permitted to register and vote by provisional ballot.

The bill would require each county elections official to compile an index of voters who register to vote by one-stop voting. After the official canvass of the votes for that election is completed, the elections official would be required to review the names on the index and cancel duplicate registrations. The elections official would be required to send a voter registration form to every person who properly registered to vote by one-stop voting, and those persons would be registered for future elections at the address that the voter declared for purposes of voter registration. The elections official would be required to notify the district attorney and the Secretary of State if it appears that a person has engaged in fraudulent voting.

The bill would require that one-stop voting be available at every permanent office of a county elections official beginning January 1 of the year following the ~~availability~~ *implementation* of VoteCal.

In addition, the bill would require that each location at which one-stop voting is available have a separate area for the process and have at least one precinct board member who is trained in one-stop voting. The bill would authorize the Secretary of State to adopt appropriate regulations to implement one-stop registration and voting.

The provisions of the bill establishing one-stop voting would become operative as of January 1 following the date that VoteCal is implemented.

By creating new duties for local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is a fundamental principle of the United States that the
4 people shall have access to our systems of democracy without
5 barriers to their participation.

6 (b) California currently ranks 41st out of 50 states in voter
7 turnout.

8 (c) At the November 4, 2008, statewide general election,
9 California experienced its largest voter turnout, as well as the
10 greatest number of persons—798,332—who cast provisional ballots
11 because of uncertainty about their registration status. While 82
12 percent of those provisional ballots were ultimately counted, the
13 county investment of staff overtime and resources to process these
14 ballots was enormous. At the same time, a significant portion of
15 the provisional ballots that were not counted resulted from the
16 failure to timely register. One-stop registration and voting would
17 help alleviate the staff overtime costs associated with processing
18 numerous provisional ballots for counties.

19 (d) One-stop voting, without unnecessary steps, can significantly
20 increase turnout. The nine states that have enacted one-stop voting
21 lead the nation in voter turnout.

22 (e) The more people who vote, the more clearly the public's
23 voice is heard.

24 (f) California's registration procedures have not kept up with
25 available technology to maximize the efficiency of the voting
26 process.

27 (g) It is vital that California make every effort to maintain the
28 integrity of our democracy by ensuring that every eligible voter
29 may vote on election day.

30 SEC. 2. Section 2107 of the Elections Code is amended to read:

31 2107. (a) ~~The~~ Except as provided in subdivisions (b) and (c),
32 the county elections official shall accept affidavits of registration
33 at all times except during the 14 days immediately preceding any
34 election, when registration shall cease for that election as to
35 electors residing in the territory within which the election is held.

1 Transfers of registration for an election may be made from one
2 precinct to another precinct in the same county at any time ~~before~~
3 ~~the close of the polls on election day when registration is in~~
4 ~~progress in the precinct to which the elector seeks to transfer.~~

5 (b) The county elections official shall accept an affidavit of
6 registration *executed as part of a voter registration card in the*
7 *forthcoming election if the affidavit is executed on or before the*
8 *15th day prior to the election, and if any of the following apply:*

9 (1) A mailed affidavit is postmarked on or before the 15th day
10 prior to the election and received by mail by the county elections
11 official before the close of the polls on election day.

12 (2) The affidavit is submitted to the Department of Motor
13 Vehicles or accepted by any other public agency designated as a
14 voter registration agency pursuant to the National Voter
15 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) not later than
16 the 15th day prior to the election.

17 (3) The affidavit is delivered to the county elections official by
18 means other than those described in paragraphs (1) and (2) *on or*
19 ~~before the close of the polls on election day~~ *15th day prior to the*
20 *election.*

21 (c) The county elections official shall accept an affidavit of
22 registration that meets the requirements of Article 4.5 (commencing
23 with Section 2170) *at any time before the close of polls on election*
24 *day.*

25 SEC. 3. Article 4.5 (commencing with Section 2170) is added
26 to Chapter 2 of Division 2 of the Elections Code, to read:

27
28 Article 4.5. Registration and Voting at One-Stop Voting Sites
29

30 2170. For purposes of this article, “VoteCal” means the
31 statewide voter registration database established by the Secretary
32 of State and referred to by that designation.

33 2171. (a) In addition to other methods of voter registration
34 provided by this code, an elector who is otherwise qualified to
35 vote under this code and Section 2 of Article II of the California
36 Constitution may register or reregister to vote at a one-stop voting
37 site pursuant to this article and may immediately thereafter cast a
38 ballot on the day of an election or at any time prior to the election
39 during which ballots may be cast pursuant to existing law.

1 (b) An elector who is not currently registered to vote in a county
2 may not register to vote and cast a regular ballot in that county
3 pursuant to this article unless the elector complies with all of the
4 following:

5 (1) The elector visits, on election day or at any time during the
6 period prior to the election during which ballots may be cast, a
7 location at which the county elections official in the county in
8 which the voter resides has made one-stop voting available.

9 (2) The elector presents proof of identity and proof of current
10 residence.

11 (3) The elector completes an affidavit of registration.

12 (c) For purposes of this article, proof of identity and proof of
13 current residence shall be consistent with Section 303(b) of the
14 federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15483(b))
15 and shall consist of either of the following:

16 (1) A photo identification with a current name and address,
17 which shall include one of the following:

18 (A) Driver's license or identification card of any state.

19 (B) Passport.

20 (C) Military identification card.

21 (D) A photo identification card designated in the regulations of
22 the Secretary of State, as set forth in Section 20107 of Title 2 of
23 the California Code of Regulations, as last amended and filed with
24 the Secretary of State November 7, 2005, specifying standards for
25 proof of identity or residence when proof is required by the federal
26 Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

27 (2) A photo identification without a current address from the
28 list in paragraph (1) and proof of current residence based on a
29 document that includes the name and current address of the
30 individual presenting it, and is dated since the date of the last
31 statewide general election, unless the document is intended to be
32 a permanent, one-time government document. The document shall
33 be a proof of residence document designated in the regulations of
34 the Secretary of State, as set forth in Section 20107 of Title 2 of
35 the California Code of Regulations, as last amended and filed with
36 the Secretary of State November 7, 2005, specifying standards for
37 proof of identity or residence when proof is required by the federal
38 Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

39 (d) A county elections official shall accept an affidavit of
40 registration executed pursuant to this article that includes the

1 current place of residence and other information required by Article
2 4 (commencing with Section 2150).

3 (e) County elections officials shall accept the following as the
4 elector's proof of identity for purposes of paragraph (2) of
5 subdivision (b) if the information can be successfully validated by
6 reference to VoteCal:

7 (1) The elector's name.

8 (2) The elector's date of birth.

9 (3) Either the elector's driver's license number or the last four
10 digits of the elector's social security number.

11 2172. (a) An elector who satisfies all the requirements of
12 subdivision (b) of Section 2171 and whose personal information
13 has been successfully verified using VoteCal may vote by regular
14 ballot. Otherwise, an elector shall vote by provisional ballot.

15 (b) If an elector is unable to satisfy the requirements of
16 paragraph (2) of subdivision (b) of Section 2171, the elector may
17 vote by provisional ballot. No provisional ballot cast pursuant to
18 this article may be counted unless and until the elector's voter
19 registration is processed, verified, and completed, as provided in
20 Article 5 (commencing with Section 14310) of Chapter 3 of
21 Division 14.

22 (c) An elections official shall handle each ballot cast pursuant
23 to this article in a manner that protects the secrecy of the ballot.

24 (d) It is the intent of the Legislature that each county elections
25 official make every effort to provide for voting pursuant to this
26 article by regular ballot.

27 2173. (a) Each county elections official shall compile an index
28 of voters who register for an election pursuant to this article. After
29 the official canvass of the votes for that election is completed, the
30 elections official shall review the names on the index and, if any
31 registration executed pursuant to this article is discovered to be a
32 duplicate registration, the elections official shall cancel any
33 duplicate voter registrations that may exist, as provided in Chapter
34 3 (commencing with Section 2200).

35 (b) After an election, the elections official shall send a voter
36 notification form to each person who properly registered to vote
37 for that election pursuant to this article. Each voter who is sent
38 that notice shall be registered for future elections at the address at
39 which the voter is registered. The affidavit of registration of any
40 person whose voter notification form is returned by the post office

1 as undeliverable shall be processed in accordance with the
2 procedures set forth in Section 2221.

3 (c) If it appears that any voter who registered to vote pursuant
4 to this article may have committed fraud within the meaning of
5 Section 18560, the elections official shall immediately notify in
6 writing both the district attorney and the Secretary of State.

7 (d) Voter registration pursuant to this article shall not be used
8 for purposes of the determination of precincts as set forth in
9 Chapter 3 (commencing with Section 12200) of Division 12.

10 2174. Beginning January 1 of the year following the ~~availability~~
11 ~~of VoteCal~~ *date when, as determined by the Secretary of State,*
12 *VoteCal is implemented*, one-stop voting shall be available at every
13 permanent office of a county elections official.

14 2175. Each location at which one-stop voting is available shall
15 have a separate area dedicated to one-stop voting. At least one
16 precinct board member at each of those locations shall be trained
17 prior to the election in one-stop voting procedures and shall be
18 assigned to conduct one-stop voting. One-stop voting shall be
19 conducted in a manner that does not interfere with or delay voting
20 by persons previously registered to vote.

21 2176. The Secretary of State may adopt appropriate regulations
22 for purposes of ensuring the uniform application of this article.

23 2177. *This article shall become operative on January 1 of the*
24 *year following the date when, as determined by the Secretary of*
25 *State, VoteCal is implemented.*

26 SEC. 4. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.